



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE COMMITTEE ON EDUCATION

November 5, 2015

9:00 a.m.

Room 521 House Office Building

Chair Price called the meeting to order.

Present were: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder, Zemke, Santana, Brinks, Schor, Chang, Greig,

Absent and excused: None.

Rep. Garcia moved to approve the minutes of the meeting held October 29, 2015. The motion prevailed.

Chair Price laid before the committee SB 209 – Colbeck – Education; school districts; instruction in certain United States historical information; encourage, and require to be included on state testing.

Rep. Chatfield moved to amend SB 209 as follows:

1. Amend page 1, line 6, by striking out all of line 6 through “**FOLLOWING:**” on line 1 of page 2 and inserting:
“**(A) THE ENTIRE CONTENTS OF THE DECLARATION OF INDEPENDENCE, INCLUDING, BUT NOT LIMITED TO, A COMPLETE READING OF THE ENTIRE TEXT AND INSTRUCTION IN AT LEAST THE FOLLOWING CORE PRINCIPLES:**”.
2. Amend page 2, line 10, by striking out all of lines 10 and 11 and inserting:
“**(B) THE ENTIRE CONTENTTS OF THE UNITED STATES CONSTITUTION, INCLUDING, BUT NOT LIMITED TO, A COMPLETE READING OF THE ENTIRE TEXT AND INSTRUCTION IN AT LEAST THE FOLLOWING CORE PRINCIPLES:**”.
3. Amend page 3, line 25, by striking out all of lines 25 and 26 and inserting:
“**(C) THE ENTIRE CONTENTS OF THE STATE CONSTITUTION OF 1963, INCLUDING, BUT NOT LIMITED TO, A COMPLETE READING OF THE ENTIRE TEXT AND INSTRUCTION IN AT LEAST THE FOLLOWING CORE PRINCIPLES:**”.

The motion prevailed, the vote being 17-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder, Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: None,

Pass: None.

Rep. Brinks moved to amend SB 209 as follows:

1. Amend page 2, line 12, after “**ESTABLISHED**” by inserting “**BY THE PEOPLE**”.
2. Amend page 2, line 20, after “**ARE**” by striking out “**LIMITED AND**”.
3. Amend page 2, line 21, after “**CONSTITUTION**” by inserting a comma and “**INCLUDING THE POWER TO MAKE LAWS ADDRESSING ALL POWERS VESTED BY THE UNITED STATES CONSTITUTION IN THE GOVERNMENT OR ANY DEPARTMENT OR OFFICE OF THE GOVERNMENT**”.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Brinks moved to amend SB 209 as follows:

1. Amend page 3, following line 24, by inserting:
2. “**(xvii) THE RIGHT OF A CITIZEN TO VOTE SHALL NOT BE DENIED OR ABRIDGED BY THE UNITED STATE OR ANY STATE ON ACCOUNT OF RACE, COLOR, PREVIOUS CONDITION OF SERVITUDE, SEX, FAILURE TO PAY TAXES, OR AGE OVER 18.**”.

The motion prevailed, the vote being 11-6-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Lyons, Chatfield, Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Hooker, McBroom, Somerville, Yonker, Kelly, Tedder,

Pass: None.

Rep. Greig moved to amend SB 209 as follows:

1. Amend page 1, line 6, after “**PRINCIPLES**” by inserting “**AND PURPOSE**”.
2. Amend page 2, following line 1, by inserting:
“(i) **A DECENT RESPECT TO THE OPINIONS OF MANKIND REQUIRES THAT WHEN THE DISSOLUTION OF POLITICAL BANKS IS NECESSARY, THE CAUSES WHICH IMPEL THE SEPARATION BE DECLARED.**” And renumbering the remaining subparagraphs.
3. Amend page 2, line 8, after “**GOVERNMENT**” by inserting “**IS INSTITUTED AMONG MEN AND**”.
4. Amend page 2, following line 9, by inserting:
5. “(v) **WHEN A GOVERNMENT BECOMES DESTRUCTIVE TO THE UNALIENABLE RIGHTS OF THE PEOPLE, IT IS THE RIGHT OF THE PEOPLE TO ALTER AND CHANGE OR ABOLISH THEIR GOVERNMENT.**
6. (vi) **THAT PRUDENCE DICATES THE ALTERATION OR ABOLISHMENT OF A GOVERNMENT SHOULD NOT BE DONE LIGHTLY.**
7. (vii) **THAT THE DECLARATION OF INDEPENDENCE WAS A LIST OF GRIEVANCES OF SUCH MAGNITUDE THAT JUSTIFIED TAKING ACTIONS TO ABLOSH THE GOVERNMENT OVER THEM AND REPLACE IT.**
8. (viii) **THE REVOLUTIONARY SIGNIFICANCE OF THE DELARATION OF INDEPENDENCE WAS AND IS ITS BASIS OF POLITICAL LEGITIMACY IN THE SOVEREIGNTY OF THE PEOPLE.”.**

The motion did not prevail the vote being 6-10-1.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: Rep. McBroom

Rep. Greig moved to amend SB 209 as follows:

1. Amend page 3, following line 4, by inserting:

“(viii) A CITIZEN OF EACH STATE SHALL BE ENTITLED TO ALL PRIVILEGES AND IMMUNITIES OF CITIZENS IN THE SEVERAL STATES AND NO STATE SHALL MAKE A LAW ABRIDGING THOSE PRIVILEGES OR IMMUNITIES.” and renumbering the remaining subparagraphs.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Greig moved to amend SB 209 as follows:

1. Amend page 4, following line 15, by inserting:

“(viii) NO MONEY SHALL BE APPROPRIATED OR DRAWN FROM THE TREASURY FOR THE BENEFIT OF ANY RELIGIOUS SECT OR SOCIETY, THEOLOGICAL OR RELIGIOUS SEMINARY; NOR SHALL PROPERTY BELONGING TO THE STATE BE APPROPRIATED FOR ANY SUCH PURPOSE.” and renumbering the remaining subparagraphs.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Schor moved to amend SB 209 as follows:

1. Amend page 3, following line 24 by inserting:

“(xvii) NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR OTHER INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHERE IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER: NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENCE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB; NOR SHALL BE COMPELLED

IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION.”.

The motion prevailed, the vote being 14-3-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Lyons, McBroom, Yonker, Chatfield, Tedder, Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Rep. Hooker, Somerville, Kelly,

Pass: None.

Rep. Chang moved to amend SB 209 as follows:

1. Amend page 3, following line 21, by inserting:
“(xvi) **THE RIGHTS OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSE, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRENTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS BEING SEIZED.**
(xvii) **NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITH DUE PROCESS OF LAW.**
(xviii) **IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED HAS, AMONG OTHER RIGHTS, THE RIGHT TO ASSISTANCE OF COUNSEL”.** and renumbering the remaining subparagraphs.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Zemke moved to amend SB 209 as follows:

1. Amend page 4, following line 15, by inserting:
“(viii) **THE RIGHT OF ALL INDIVIDUALS, FIRMS, CORPORATIONS AND VOLUNTARY ASSOCIATION TO FAIR AND JUST TREATMENT IN THE COURSE OF LEGISLATIVE AND EXECUTIVE INVESTIGATIONS AND HEARINGS SHALL NOT BE INFRINGED.**” and renumbering the remaining subparagraphs.

The motion prevailed, the vote being 11-6-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Lyons, Tedder, Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Hooker, McBroom, Somerville, Yonker, Kelly, Chatfield,

Pass: None.

Rep. Zemke moved to amend SB 209 as follows:

1. Amend page 4, following line 15 by inserting:
“(viii) **NO PERSON SHALL BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY.**” and renumbering the remaining subparagraphs.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Zemke moved to amend SB 209 as follows:

1. Amend page 3, following line 24, by inserting:
“(xvii) **SLAVERY SHALL NOT EXIST IN THE UNITED STATES, NOR SHALL ANY STATE DEPRIVE A PERSON OF LIFE LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, OR DENY A PERSON THE EQUAL PROTECTION OF THE LAWS.**”.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Garcia moved to report out SB 209, as substitute H-1, with the recommendation that it pass. The motion prevailed, the vote being 11-0-6.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Nays: None,

Pass: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Chair Price laid before the committee SB 211 – Shirkey – Education; curriculum; instruction in certain American heritage documents; allow and prohibit censorship or restraint of.

Rep. Schor moved to amend SB 211 as follows:

1. Amend page 1, line 4, after “**DOCUMENTS**”, by striking out “**INCLUDING DOCUMENTS**” and inserting “**SUCH AS THE DECLARATION OF INDENPENCE, UNITED STATES CONSTITUTION, BILL OF RIGHTS, AND FEDERALIST PAPERS,**”.
2. Amend page 1, line 6, after “**GOVERNMENT,**” by striking out “**THE BILL OF RIGHTS,**”.
3. Amend page 1, line 7, after “**SYSTEM,**” by striking out the balance of the subsection and inserting “**PATRIOTISM, LIBERTY, JUSTICE, THE UNION AS A SAFEGUARD AGAINST DOMESTICE FACTION AND INSURRECTION, THE ADVANTAGE OF THE UNION IN RESPECT TO ECONOMY IN GOVERNMENT, THE UTILITY OF THIS UNIONIN RESPECT TO REVENUE, THE POWERS NECESSARY TO THE COMMON DEFENSE, THE GENERAL POWER OF TAXATION, RESTRICTIONS ON THE AUTHORITY OF THE SEVERAL STATES, THE INFLUENCE OF THE STATE AND FEDERAL GOVERNMENTS COMBINED, THE CONSEQUENCES OF HOSTILITIES BETWEEN THE STATE, AND THE UNION AS A SAFEGUARD AGAINST DOMESTICE FACTION AND INSURRECTION.**”.

The motion did not prevail, the vote being 7-10-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. McBroom, Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Schor moved to amend SB 211 as follows:

1. Amend page 1, line 7, after “**PATRIOTISM**” by inserting a comma and “**PROVIDED THAT THE STUDY IS ACADEMIC IN NATURE AND RELATES TO AMERICAN HISTORY**”.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Chang moved to amend SB 211 as follows:

1. Amend page 1, line 7, after “**SYSTEM**,” by striking out “**AND**”.
2. Amend page 1, line 7, after “**PATRIOTISM**” by inserting a comma and “**AND DOCUMENTS AND COURT CASES INTERPRETING THOSE DOCUMENTS**”.
3. Amend page 1, following line 7, by inserting:
“(2) **THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL PERMIT GRADE-LEVEL INSTRUCTION FOR PUPILS TO READ AND STUDY VARIOUS FORMS OF JUDICIAL INTERPRETATION, INCLUDING, BUT NOT LIMITED TO, TEXTUALISM, STRICT CONSTRUCTIONISM, ORIGINALISM, BALANCING, PRUDENTIALISM, DOCTRINALISM, ADHERENCE TO PRECEDENT, STRUCTURALISM AND FUNCTIONALISM.**”
and renumbering the remaining subsections.

The motion did not prevail, the vote being 6-11-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Pass: None.

Rep. Garcia moved to report out SB 211 with the recommendation that it pass. The motion prevailed, the vote being 11-0-6.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder,

Nays: None,

Pass: Reps. Zemke, Santana, Brinks, Schor, Chang, Greig.

Chair Price laid before the committee HB 4493 – Kesto – Education; curriculum, genocide education; provide for.

The following person filled out a testimony card in support of HB 4493 but did not want to testify.

Lisa Hansknecht representing Oakland Schools

Rep. Garcia moved to adopt the substitute H-1 to HB 4493. The motion prevailed, the vote being 17-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder, Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: None,

Pass: None.

Rep. Garcia moved to report out HB 4493, substitute H-1, with the recommendation that it pass. The motion prevailed, the vote being 17-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Price, Garcia, Callton, Hooker, Lyons, McBroom, Somerville, Yonker, Kelly, Chatfield, Tedder, Zemke, Santana, Brinks, Schor, Chang, Greig,

Nays: None,

Pass: None.

With no further business to come before the committee Chair Price adjourned the meeting, the time being 9:40 a.m.

Representative Amanda Price, Chair

Mary Lou Terrien, Clerk